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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 NATHAN FELIX, *et al.*,

8 Plaintiffs,

9 v.

10 GROUP HEALTH OF WASHINGTON, *et*  
11 *al.*,

12 Defendants,

Case No. C11-1974RSL

ORDER GRANTING MOTION FOR  
A MORE DEFINITE STATEMENT

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14 This matter comes before the Court on the DSHS Defendants' motion for a more  
15 definite statement (Dkt. # 53). The Court GRANTS the motion.<sup>1</sup>

16 In its current form, Plaintiffs' Complaint (Dkt. # 2-1) contains no factual  
17 allegations specific to any of the individual DSHS Defendants. It merely lists a host of  
18 individual employees as Defendants and then alleges actions taken by Child Protective  
19 Services without any further reference to those individual employees. More is required.  
20 See Swierkiewicz v. Sorema N.A., 534 U.S. 506, 514 (2002) ("If a pleading fails to  
21 specify the allegations in a manner that provides sufficient notice, a defendant can move  
22 for a more definite statement under Rule 12(e) before responding.").

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24 <sup>1</sup> The Court does recognize and applaud, however, the collegiality of Plaintiff's counsel  
25 and her willingness to accept the Attorney General's representations regarding the state's  
26 employees.

1 To satisfy federal notice pleading standards, a plaintiff must plead sufficient  
2 “factual content [to] allow[] the court to draw the reasonable inference that the defendant  
3 is liable for the misconduct alleged.” Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009).  
4 Plaintiffs’ Complaint fails to satisfy this standard. It provides no basis whatsoever for  
5 any liability on the part of the individual DSHS Defendants because it contains no  
6 allegations as to any. See Bell Atl. Corp. v. Twombly, 550 U.S. 544, 559 (2007) (“It is  
7 no answer to say that a claim just shy of a plausible entitlement to relief can, if  
8 groundless, be weeded out early in the discovery process through careful case  
9 management given the common lament that the success of judicial supervision in  
10 checking discovery abuse has been on the modest side.”); see also Iqbal, 129 S. Ct. at  
11 1953 (“The basic thrust of the qualified-immunity doctrine is to free officials from the  
12 concerns of litigation, including ‘avoidance of disruptive discovery.’”).

13 Moreover, this lack of detail precludes each Defendant from being able to make  
14 any intelligent inquiry as to possible defenses. The Court does not think that Defendants  
15 should be put at risk of having waived a possible defense, see Fed. R. Civ. P. 12(h),  
16 because Plaintiffs do not yet know which were even involved in their case.

17 For all of the foregoing reasons, Defendants’ motion is granted as to each of the  
18 “individually-named” DSHS Defendants described in their motion (Dkt. # 9). Plaintiffs  
19 are directed to file within 14 days of the date of this Order an amended complaint that  
20 provides sufficient factual detail regarding each’s involvement in the circumstances of  
21 this case to state a plausible claim for liability and permit an intelligent response.  
22 Otherwise, the Court will dismiss without prejudice those Defendants for which  
23 Plaintiffs cannot articulate any factual allegations. See Fed. R. Civ. P. 12(e).

1 DATED this 6th day of April, 2012.

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4 Robert S. Lasnik  
5 United States District Judge  
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